IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21982 of 2007(P)

PETITIONER:

---

1. T.P. AYISHAKUTTY, W/O. KALOONTAKATH ALAVI,
KALOONTAKATH HOUSE, POST EDAVANNA,
VIA MANJERI, MALAPPURAM DISTRICT.

2. ABDUL BASHEER, S/O. ALAVI KALOONTAKATH,
AGED 48 YEARS, KALOONTAKATH HOUSE, POST EDAVANNA,
VIA MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

---

1. THE TAHSILDAR, ERNAD TALUK OFFICE,
MANJERI, MALAPPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, MALAPPURAM.

3. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIATE, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 21982 OF 2007

DATED THIS THE 17th DAY OF JULY, 2007

JUDGMENT

The grievance of the petitioners in this writ petition is that the petitioners are proposed to be evicted from their properties pursuant to Exts.P11 and P11(A) without complying with the principles of natural justice and the procedure prescribed under the Kerala Land Conservancy Act and Rules. The petitioners, therefore, seek quashing of Exts.P11 and P11(A).

2. I have heard the learned Government pleader also. The learned Government pleader could not satisfy me that Exts.P11 and P11(A) have been preceded by a hearing in which the petitioners could adduce evidence in support of their case. In the above circumstances, I dispose of this writ petition with the following directions.

The petitioners shall be given an opportunity to file objections in the matter. The petitioners shall file objections within two weeks from today. Thereafter, the 1st respondent shall afford an opportunity of being heard to the petitioners which shall include an opportunity to adduce evidence also. After considering the objections and evidence of the petitioners, the 1st respondent shall pass a speaking order

dealing with each and every contention of the petitioners in the light of the evidence to be produced by them. Till orders so passed are communicated to the petitioners, they shall not be evicted from the property in question.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd